

REMARKS

By way of overview, claims 1—70 are currently pending. Of these pending claims:

- A) Claims 1—13 remain in their original form;
- B) Claims 14—70 are currently withdrawn.

The Office Action dated 10/04/2006 requires Applicant to elect one of seventeen (17) groups of claims.

The Applicant hereby elects Group 1, which includes claims 1–13. However, this election is made with traverse for the following reasons.

M.P.E.P. § 803 states that an application may be properly restricted only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

It would seem that the searches involved for several claim groups would substantially overlap. For instance, the subject matter of Group 1 and Group 2 both include, or relate to, a fluidic micro electro-mechanical system having a containment portion having a shallow cross-linked polymer region and a deep cross-linked polymer region. Because of the apparent overlap in search, it is submitted that a serious burden would not be imposed on the Patent Office to examine at least the claims of Groups 1 and 2. Therefore, the Applicant respectfully submits that a Restriction involving 17 groups improper.

Accordingly, the Applicant earnestly suggests that, at the least, Groups 1 and 2 could be examined, since the overlap in searching is considerable.

The Examiner is urged to contact the undersigned if any issues remain unresolved by this Response.

Respectfully Submitted,

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